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ABSTRACT

This report summarizes what is known about the children of incarcerated parents in California. The report estimates the number of children in California who have parents in the state's criminal justice system (jail, prison, parole, and probation) and summarizes key findings from the research literature on the impact of parental arrest and incarceration. Key issues include the following: (1) much is not known about such children and their caregivers; (2) there is no clear official policy to address children of arrested parents; (3) such children are at high risk for a number of negative behaviors; (4) the lack of research and official information means that government programs do not target these children and their caregivers; and (5) the risk of termination of parental rights makes this a pressing issue. (EV)

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Children of Incarcerated Parents

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INTRODUCTION

Children whose parents have been arrested and incarcerated face unique difficulties. Many have experienced the trauma of sudden separation from their sole caregiver, and most are vulnerable to feelings of fear, anxiety, anger, sadness, depression and guilt. They may be moved from caretaker to caretaker. The behavioral consequences can be severe, absent positive intervention—emotional withdrawal, failure in school, delinquency and risk of intergenerational incarceration.[1] Yet these children seem to fall through the cracks. Police do not routinely ask at the time of arrest whether their prisoners have children, nor do sentencing judges or correctional agencies regularly raise this question. Since no agency collects data about these children, "…it is unclear how many are affected, who they are, or where they live."[2]

Assemblymember Kerry Mazzoni requested that the California Research Bureau (CRB) conduct a broad research review to summarize what is known about the children of incarcerated parents. This CRB note estimates the number of children in California who have parents in the state's criminal justice system (jail, prison, parole and probation) and summarizes key findings from the research literature. Although considerable information has been generated in a number of small-scale studies, the Child Welfare League of America concludes "…the true scope of the problem is uncertain because few reliable statistics exist."[3]

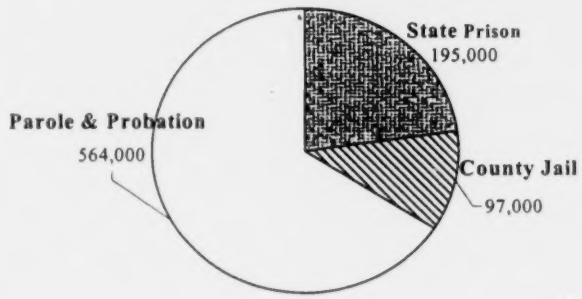
HOW MANY CHILDREN?

An estimated 856,000 children in California have a parent currently involved in California's adult criminal justice system, nearly nine percent of the state's children.[4] This is an estimate because California does not request or keep family information about arrested or convicted persons. We estimate that approximately 195,000 children currently have parents in state prison, 97,000 have parents in jail, and 564,000 children have parents on parole or probation (Chart 1). The assumptions on which these estimates are based are explained below.

Over time many more children are affected, as some parents leave the system while new ones are arrested. Thus the total impact of the criminal justice system on the state's children, families and communities is much larger over time. By way of comparison, while an estimated 1.5 million children nationwide have incarcerated parents, around 10 million more have parents who were imprisoned at some point in their children's lives.[5]

Chart 1

Children with Parents in California's Adult Criminal Justice System



State Prisons

There are approximately 195,000 children in California who currently have a parent in state prison, an estimate derived from the following statistics. Around 165,000 adults are incarcerated in California prisons, of which 93 percent are men and seven percent are women.[6] About 80 percent of the women prisoners are parents with an average of two children each—nearly 20,000 children.[7] Around seven percent of incarcerated women give birth while in California prisons.[8] An estimated 56 percent of the male prisoners nationally are parents, with an average of two children each.

County Jails

An estimated 79,000 adults (average daily census) are incarcerated in California jails, 12 percent of whom are women.[9] Assuming that the percentages of jailed prisoners with children, and the average number of children, are roughly equivalent to those of the prison population (the literature on jailed parents is remarkably thin), there are approximately 97,000 children in California with parents in jail.

Parole and Probation

There are nearly 115,000 adults who were formerly in prison currently being supervised on parole,[10] and 350,000 adults who were formerly in jail currently being supervised on probation.[11] Slightly more than 10 percent are females (10.6 percent). Assuming that the ratios of parents and numbers of children are approximately the same as with the adult prison population, another 564,000 children currently have parents under supervision by California's adult criminal justice system.

Demographic Data

A 1992 Assembly Office of Research report, *Children of Incarcerated Parents*, found "very little accurate information regarding these children."[12] The report noted that, "These children are not recognized as a group by any state agency or department in California."[13] This is still the case. The police and courts do not regularly inquire at the time of arrest or sentencing whether a prisoner has children. One prominent researcher contends that "...these children have tended to be ignored by the criminal justice and social services systems..." and she decries the "...glaring shortage of current information regarding these children."[14] It is not possible to accurately specify numbers, ages, gender, or location.

IMPACT OF PARENTAL ARREST AND INCARCERATION

> *The children were found to have experienced emotional problems, nightmares, fighting in school and a decline in academic performance as a result of being separated due to their mother's incarceration.*[15]

The impact of a mother's arrest and incarceration on a family is often more disruptive than that of a father's arrest and incarceration.[16] That is because approximately two-thirds of incarcerated mothers were the primary caregivers for at least one child before they were arrested.[17] About 60 percent of children live with grandparents (usually maternal) after their mother's incarceration, 17 percent live with other relatives and a quarter live with non-relatives (often in foster care).[18] In contrast, only half of incarcerated fathers were living with their youngest child prior to incarceration, and most of their children (nearly 90 percent) continued to live with their mothers after the incarceration.

A significant number of children are present at the time of their parents' arrest. For example, a survey of jailed mothers in Riverside, California, found that one in five of their children were present at the time of their arrest, and over half of the children were between three and six years old.[19]

A number of small-scale studies[20] suggest that the effects of parental arrest and incarceration on a child's development are profound. The children may suffer from multiple psychological problems including trauma, anxiety, guilt, shame, and fear.[21] Negative behavioral manifestations can include sadness, withdrawal, low self-esteem, decline in school performance, truancy, and use of drugs or alcohol and aggression.[22] A study of 36 children from five to 16 years old who were participating in a visitation program at a women's prison, found that three quarters of the children reported "...symptoms including depression, difficulty in sleeping, concentration problems, and flashbacks about their mother's crimes or arrests...[and] poor school performance."[23]

Table 1
Children's Problems as Identified by Their Caregivers

	Percent
Learning/school	28.8
Health/mental health	3.0
Behavioral	27.3
Teen pregnancy	1.5
Alcohol or drug	3.0
Other	10.6

Source: National Council on Crime and Delinquency, 1993

Dr. Denise Johnston, Director of the Center for Children of Incarcerated Parents at Pacific Oaks College in Pasadena, California, has studied the impact of parental crime, arrest and incarceration on children's development. Her work is summarized in Table 2.

Table 2
Possible Developmental Effects on Children of Parental Crime, Arrest, and Incarceration

Developmental Stage	Developmental Characteristics	Developmental Tasks	Influencing Factors	Effects
Infancy (0-2 years)	Total dependency	Attachment and trust	Parent-child separation	Impaired parent-child bonding
Early childhood (2-6 years)	Increased perception and mobility; incomplete individuation from parent	Sense of autonomy, independence and initiative	Parent-child separation; Trauma	Anxiety, developmental regression, acute traumatic stress, survivor guilt
Middle childhood (7-10 years)	Increased independence, ability to reason, importance of peers	Sense of industry, ability to work productively	Parent-child separation, enduring trauma	Acute traumatic stress and reactive behaviors
Early adolescence (11-14 years)	Increasing abstract thinking, future-oriented behavior, aggression, puberty	Ability to work productively with others, control of emotions	Parent-child separation, enduring trauma	Rejection of limits on behavior, trauma-reactive behaviors
Late adolescence (15-18 years)	Emotional crisis and confusion, adult sexual development, abstract thinking, independence	Achieves identity, engages in adult work and relationships, resolves conflicts with family and society	Parent-child separation, enduring trauma	Premature termination of parent-child relationship; intergenerational crime and incarceration

Source: Dr. Denise Johnston, "Effects of Parental Incarceration," in Gabel and Johnston, p. 68.

It is difficult for parents to maintain contact with their children while they are incarcerated. More than half of incarcerated mothers do not receive any visits from their children while they are in prison. The single most significant reason for lack of contact is the children's distance from their mothers' prisons, many of which are located far from major population centers. In California, 60 percent of women prison inmates are from Southern California but the two largest women's prisons, Central California Women's Facility and the Valley State Prison for Women, are located near Chowchilla, about 260 miles north of Los Angeles.

Multiple parental arrests and the resulting pattern of repeated parent-child separation can be devastating for children and have severe social consequences, such as delinquency and intergenerational incarceration. Dr. Johnston examined a group of older children of offenders, the majority of whom were gang-involved or delinquent, and found that "…only one in 11 children studied had lived continuously with one primary caregiver since birth."[24]

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According to the Women's Prison & Home Association, Inc., "Children of offenders are five times more likely than their peers to end up in prison themselves. One in 10 will have been incarcerated before reaching adulthood."[25] Table 3 charts the interconnecting pattern of childhood trauma, emotional response, reactive behavior and potential criminal activity that can lead to intergenerational incarceration absent positive intervention.

Table 3
Intergenerational Behaviors, Crime and Incarceration

Childhood Trauma	Emotional Response	Reactive Behavior	Coping Pattern	Criminal Activity
Physical abuse	Anger	Physical aggression	Fighting with peers	Assault
Parent-child separation	Sadness, grief	Withdrawal	Substance abuse	Drug possession
Witness to violence	Anxiety	Hypervigilence	Gang activity	Accessory to homicide
Parental substance abuse	Anger	Verbal aggression	Asocial behavior (lying, stealing)	Fraud
Sexual molestation	Fear, anxiety	Sexualized behavior	Promiscuity	Prostitution

Source: Dr. Denise Johnston, "Effects of Parental Incarceration," in Gabel and Johnston, p. 81.

Although the children of incarcerated parents are at high risk for negative personal and social behaviors, their lack of visibility in the criminal justice and child welfare systems can inhibit positive intervention and may led to neglect. Most jurisdictions do not request or collect family information from prisoners. Very few require law enforcement officers to inquire at the time of arrest whether a prisoner has children.[26] The courts do not routinely inquire whether a prisoner has children at the time of sentencing, missing another opportunity to identify the children and intervene if needed.

An American Bar Association (ABA) study found that "While law enforcement policies and procedures specifically addressing children of arrestees may not currently exist in most agencies, the issue of accountability–and subsequently legal liability–is nevertheless present."[27] The courts have found that officers have a duty to reasonably ensure the safety of children left unattended following a caretaker's arrest [*White v. Rochford,* 592 F2d 381 (7th Cir. 1979)]. The ABA study found that law enforcement officers make a variety of placement decisions in the field, calling in child protective services (CPS), taking the child to the police station, or informally placing the child with the parent's neighbors, relatives or friends. Anecdotal information suggests that the children of incarcerated parents sometimes end up in court when they are ready to enter school and need vaccinations, having been informally left with friends or relatives who lack legal authority for their medical care.[28]

A PROFILE OF INCARCERATED MOTHERS

According to a 1987 national study by the American Correctional Association, the average adult female offender is a minority between the ages of 25 and 29 who before arrest was a single parent living with one to three children. She comes from a single parent or broken home. Half of her other family members are incarcerated, including 54 percent of her brothers and sisters. She is a high school drop out, unemployed, likely to have been the victim of sexual abuse, started using alcohol or drugs between the ages of 13 and 14, and has "...committed crimes for the following primary reasons: to pay for drugs, relieve economic pressures, or poor judgement."[29] More recent studies confirm this general description.[30]

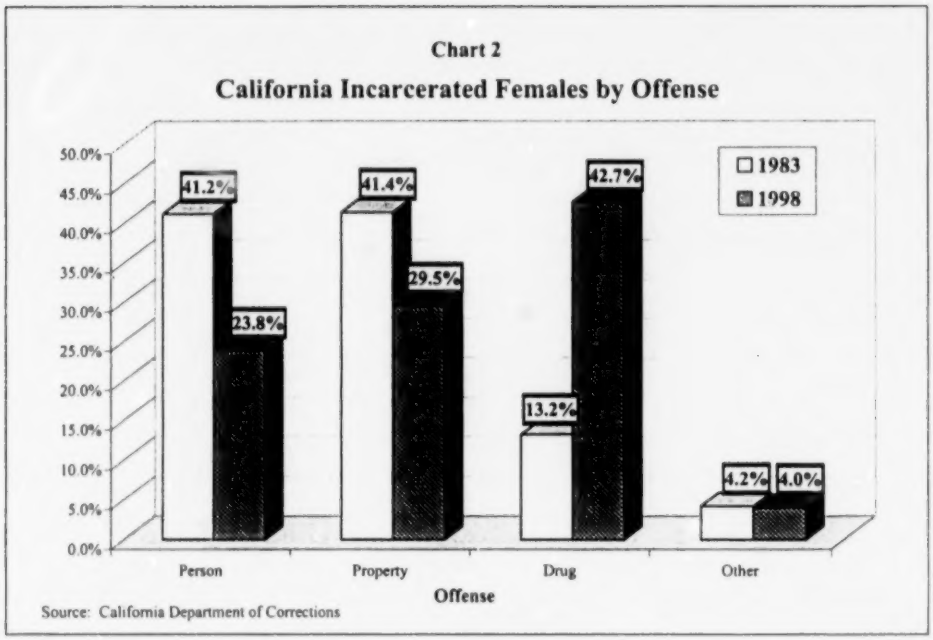
Table 4
History of Physical or Sexual Abuse and Substance Abuse of Incarcerated Mothers (1991)

	Percent*
Physical Abuse at some time	52.8
Sexual Abuse at some time	41.7
Regular use of alcohol or drugs	64.5

*Percentages represent those with affirmative response for each type of abuse.
Source: National Council on Crime and Delinquency, 1993.

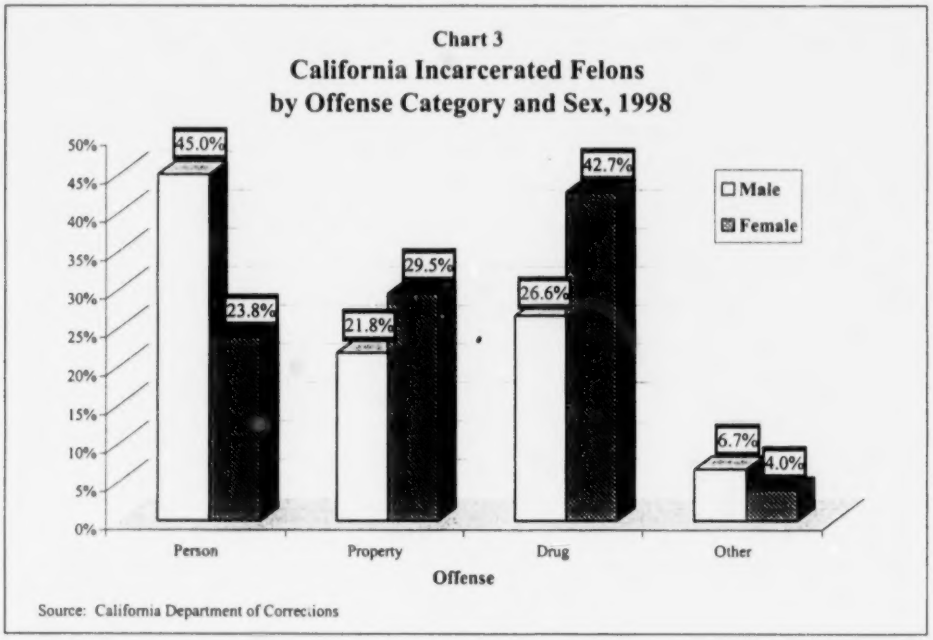
California has the largest female prison population in the United States.[31] The number of adult women incarcerated in California prisons increased nearly nine times between 1980 and 1998, from 1,316 to 11,694. In 1998, 43 percent of California's women felons were incarcerated for drug crimes,[i] 30 percent for property crimes[ii] and 24 percent for crimes against other people.[iii] The number imprisoned for drug crimes more than tripled between 1983 and 1998, while the number of imprisoned for violent crimes declined (see Chart 2.). National research finds an even larger proportional increase in women's imprisonment due to drug crimes: "The number of women incarcerated in state prisons for a drug offense rose by 888% from 1986 to 1996."[32]

[ii] Possession, possession for sale, manufacturing and sales.
[ii] Burglary, theft, forgery/fraud.
[iii] Homicide, robbery, assault and battery, sex offenses, kidnapping.



A 1995 study of California's female prisoners found that their "...involvement in criminal behavior is tied directly to drug use and a lack of viable economic skills."[33] The U.S. Department of Justice found that nationwide, while violent crimes decreased, the increase in "...sentenced drug offenders accounted for 55% of the increase in the female prison population between 1986 and 1991."[34] Drug abuse can lead to repeated incarceration. A 1991 study of state female prisoners by the U.S. Department of Justice, Bureau of Justice Statistics, found that 29 percent had no prior sentence, 22 percent had one prior sentence, 15 percent had two priors, 20 percent had three to five priors, and 15 percent had six or more prior sentences.[35]

The pattern of crime for incarcerated women is quite different from that of incarcerated men in California. Men are much more likely to be imprisoned for violent crimes (Chart 3).



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KEY ISSUES RAISED IN THIS REVIEW

This CRB research note raises a number of issues that merit summarizing.

First, research findings about the children of incarcerated parents are primarily based on small-scale studies or on surveys of prisoners. A great deal is not known about the children or their caregivers.

Second, although law enforcement and the criminal justice system profoundly intervene in children's lives when their parents are arrested and incarcerated, there is no clear official policy about how officials should respond. Yet law enforcement officials may be liable. Some children appear to fall through the cracks and are left in legally ambiguous situations, such as with neighbors. In addition, the courts and the correctional system do not regularly request or collect information about prisoners' families. The informal legal status of some children's caregivers, and lack of court supervision, may lead to inappropriate placements.

Third, the children of incarcerated parents are at high risk for a number of negative behaviors that can lead in some instances, absent positive intervention, to school failure, delinquency and intergenerational incarceration. The personal and social costs are high.

Fourth, the lack of research and official information means that government programs do not target these children and their caregivers in order to design or provide needed services. The public monetary costs of current services, and the costs of not providing useful interventions, cannot be accurately calculated.

Fifth, there may be a more pressing and poignant need to address this issue. Under the federal Adoption and Safe Families Act of 1997, parental rights can be terminated if a child has been in foster care 15 of the last 22 months. A recent Government Accounting Office (GAO) report finds that the maximum median sentence for female offenders in state and local prisons is 60 months.[36]

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[1] Cynthia Seymour, "Children with Parents in Prison: Child Welfare Policy, Program, and Practice Issues," *Child Welfare, Special Issue, Children with Parents in Prison*, Child Welfare League of America, Vol. LXXVII, September/October 1996, p. 472.

[2] Op. cit., p. 470.

[3] Ibid.

[4] There are about 9.8 million children ages 0-18 in California, more than 29 percent of the state's population. U.S. Census Bureau, March 1999 Current Population Survey.

[5] The Women's Prison Association & Home, Inc., *Family to Family; Partnerships between Corrections and Child Welfare*, Part Two, A Project of the Annie E. Casey Foundation, p. 8.

[6] Legislative Analyst Office, "Department of Corrections," *LAO Analysis of the 1999-00 Budget*, Sacramento, January 2000, and California Department of Corrections, *California Prisoners and Parolees*, 1999, p. 46.

[7] Barbara Bloom, "Imprisoned Mothers," in *Children of Incarcerated Parents*, edited by Katherine Gabel and Denise Johnston, M.D., Lexington Books, New York, 1995, p. 21. Some girls in the state's juvenile facilities are mothers; their children are not included in this estimate.

[8] The California Department of Corrections, the Department of Social Services and the County of Madera have begun keeping information about the children born to state prisoners and their siblings, to ensure that mothers are well informed when they decide where to place their children.
[9]Board of Corrections, Jail Profile Survey; 1999, 3rd Quarter Survey Results, Sacramento, California, 1999.
[10] California Department of Corrections, *CDC Facts*, October 1, 1999, www.cdc.state.ca.us/factsht.htm.
[11] Marcus Nieto, *The Changing Role of Probation in California's Criminal Justice System*, California Research Bureau, California State Library, July 1996, p. 15.
[12] Sharron Lawhorn, *Children of Incarcerated Parents; A Report to the Legislature Pursuant to ACR 38 (Resolution Chapter 89, Statutes of 1991, Filante)*, Assembly Office of Research, May 1992, Cover Letter.
[13] Op. cit., p. 1.
[14] Barbara Bloom, "Public Policy and the Children of Incarcerated Parents," in Gabel and Johnston, p. 271.
[15] Susan M. Hunter, "Forward," in Gabel and Johnston, p. ix.
[16] Barbara Bloom, Imprisoned Mothers," in Gable and Johnston, p. 21.
[17] U.S. GAO, Women in Prison, Washington, D.C., December 1999, p. 32. Earlier studies found that 70 percent of incarcerated women lived with their children prior to arrest. (See The Women's Prison Association & Home, Inc., *Family to Family; Partnerships between Corrections and Child Welfare,* Part Two, A Project of the Annie E. Casey Foundation, p. 8.
[18] Barbara Bloom and David Steinhart, *Why Punish the Children?* National Council on Crime and Delinquency, 1993, p. 31. A Massachusetts study found that 25 percent of the children of incarcerated women in the state were in foster or group care, while 75 percent lived with relatives or friends.
[19] Johnston, *Jailed Mothers*, Pasadena, California, Pacific Oaks Center for Children of Incarcerated Parents, 1991.
[20] According to Seymour, "Much of the research on children with incarcerated parents has been methodologically limited. Many of the studies used relatively small samples and inadequate comparison groups. There have been no longitudinal studies following children through different phases of parental incarceration and release. Few studies have employed standardized assessment of children and almost no research has been conducted through direct contact with children." Child Welfare League of America, pp. 471-472.
[21] The Women's Prison Association & Home, Inc., *Family to Family; Partnerships between Corrections and Child Welfare,* Part Two, A Project of the Annie E. Casey Foundation, p. 8.
[22] Lawhorn, p. 5.
[23] Christina Jose Kampfner, "Post-Traumatic Stress Reactions in Children of Imprisoned Mothers," in Gabel and Johnston, p. 95.
[24] Denise Johnston, p. 75.
[25] Ibid.
[26] Op. cit., p. 60.
[27] Barbara E. Smith, Sharon Goretsky Elstein, *Children on Hold: Improving The Response to Children Whose Parents are Arrested and Incarcerated*, ABA Center of Children and the Law, December 1994, p. 6.
[28] Judge Donna Petre, Yolo County Superior Court.
[29] American Correctional Association, *The Female Offender*, 1990, p. 6
[30] See for example, GAO, *Women in Prison; Issues and Challenges Confronting U.S. Correctional Systems*, December 1999, Appendix III.
[31] U.S. GAO, *Women in Prison*, Washington, D.C., December 1999, p. 18.
[32] Marc Mauer, Cathy Potler, Richard Wolf, "The Impact of the Drug Wars on Women: A Comparative Analysis in Three States," *Women, Girls & Criminal Justice*, February/March 2000, p. 21.
[33] Barbara Owen and Barbara Bloom, *Profiling the Needs of California's Female Prisoners*, February 1995, p. 2.
[34] U.S. Department of Justice, Bureau of Justice Statistics, *Women in Prison; Survey of State Prison Inmates,* 1991, p. 3.
[35] U.S. Department of Justice, p. 4.
[36] U.S. GAO, p. 30.